

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

C.M. COLLINS, N.J. LUNDY)
and R.C.L. MAYS,)
individually and on behalf)
of all others similarly)
situated,)
)
Plaintiffs,)
)
vs.) CIVIL ACTION NO.
) 4:22-cv-1073
CATASTROPHE RESPONSE UNIT,)
INC. and CATASTROPHE)
RESPONSE UNIT USA, INC.,)
)
Defendants.)

VIDEOTAPED ORAL DEPOSITION OF
BASIL LEO RILEY, III
OCTOBER 18, 2023

VIDEOTAPED ORAL DEPOSITION OF BASIL LEO
RILEY, III, produced as a witness at the instance
of the Defendants, and duly sworn, was taken in the
above-styled and numbered cause on October 18th,
2023, from 9:35 a.m. to 4:55 p.m., before RENEA
SEGGERN, CSR, in and for the State of Texas,
reported by machine shorthand via Zoom Video
Conference, pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record
or attached hereto.

Page 2

1 A P P E A R A N C E S

2 FOR THE PLAINTIFFS:

3 O'BRIEN LAW FIRM
4 Mr. Kerry O'Brien
1011 Westlake Drive
Austin, Texas 78746
(512) 410-1960
KO@obrienlawpc.com

6

7 FOR THE DEFENDANTS:

8 HALLETT & PERRIN, P.C.
9 Mr. Monte K. Hurst
1445 Ross Avenue
Suite 2400
10 Dallas, Texas 75202
(214) 953-0053
11 Monte.Hurst@hallettperrin.com

12

13 ALSO PRESENT:

14 Mr. David Repinski
15 Mr. Adam Dickens
16 Ms. Erica Taylor, Videographer

17

18

19

20

21

22

23

24

25

Page 3

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

NO.

DESCRIPTION

PAGE

Exhibit 2 First Amended Responses to

Defendant's Interrogatories.....159

1

I N D E X

2

2	BASIL LEO RILEY, III	PAGE
3	Examination by Mr. Hurst.....	4
4	Examination by Mr. O'Brien.....	245
5	Further Examination by Mr. Hurst.....	245
6	Signature and Changes.....	248
7	Reporter's Certification.....	250

8

9

E X H I B I T I N D E X

10

11

12

13

14

1 PROCEEDING S

2 THE VIDEOGRAPHER: Good morning. We
3 are now on the record at 9:35 a.m. on October 18th,
4 2023.

5 Would counsel please identify themselves,
6 please state any agreements for the record and
7 after which the court reporter will swear in the
8 witness.

11 MR. HURST: Monte Hurst and Kristen
12 Brumbelow representing the defendants in this case.

13 We are taking this deposition pursuant to
14 the Rules, court order and agreement.

15 MR. O'BRIEN: Agreed.

16 BASIL LEO RILEY III,
17 having been first duly sworn, testified as follows:

EXAMINATION

19 BY MR. HURST:

20 Q Good morning, Mr. Riley. My name is Monte
21 Hurst and I'm with the law firm of Hallett & Perrin
22 and I represent CRU, or Catastrophe Response Unit
23 in this case; do you understand that?

24 A Yes, yes, I do.

Q Before we go into your testimony I'd like

Page 51

1 with CRU working with TD, were you working anywhere
2 else or providing services anywhere else?

3 A When I first started with TD or first
4 started with CRU with TD, I was working with
5 Progressive. It was another auto assignment. I
6 was doing two autos.

7 Q How long were you working with the CRU and
8 Progressive?

9 A Two months.

10 Q And that was like July of '21 to August of
11 '21?

12 A That sounds right. August or September,
13 something like that. That sounds about right.

14 Q Okay. And when you were with CRU, you had
15 an independent contractor agreement, correct?

16 A Correct.

17 Q You were --

18 A We were 1099s.

19 Q You were a desk adjuster, right?

20 A Correct.

21 Q Were you working out of your home the
22 whole time you were deployed by CRU?

23 A Correct.

24 Q Were you working out of your home when you
25 were deployed by Progressive?

1 A Right.

2 Q So you didn't work on either the Canadian
3 or the American holidays?

4 A No, American holidays we did because the
5 Canadians -- well, TD didn't honor, I guess, the
6 American holidays so we worked except for
7 Thanksgiving and Christmas they did and I think New
8 Year's, but as far as Columbus Day and Martin
9 Luther King Day, and yeah, we worked from what I
10 recall.

11 Q You testified earlier that you were told
12 that you could not work another job while you were
13 deployed by CRU; is that right?

14 A Yes.

15 Q Who told you that?

16 A It was in a meeting, Randy Bray.

17 Q When did Randy say that?

18 A Every Saturday morning we would have an
19 entire auto department meeting, and I believe the
20 second week in he told us that in a meeting and he
21 pretty much reiterated it every meeting every
22 Saturday after that.

23 Q Was he the only one who said that?

24 A As far as to my knowledge, that's what I
25 heard with my own ears.

1 Q And so it was Randy Bray's comment or
2 instruction, whatever you say that he said, that
3 caused you to resign from Littleton?

4 A Correct.

5 Q Specifically he said to you and all the
6 other desk adjusters in Auto in your group, you
7 cannot work another job while you were deployed by
8 CRU?

9 A He worded it a little different.

10 Q What did he say?

11 A It was more like, hey, if you're working
12 two deployments and I find out, you will be
13 released. That was one Saturday. And then another
14 Saturday, he was like, if you're still working two
15 deployments you're good because I got rid of
16 everybody else that wasn't -- that was working two
17 deployments and it was -- then I know three of my
18 friends got released and they were all working at
19 State Farm and CRU at the same time. They all got
20 released the same day. Every Saturday after the
21 first two weeks he would have a conference every
22 Saturday, and all of Auto would hear what he says.

23 Q So you first heard him say two weeks when
24 you got there, you can't work two deployments at
25 the same time?

1 A You can't work -- he started -- it was two
2 weeks after he started those meetings because he
3 didn't do them in the beginning. He didn't have
4 the all conference all Auto meetings when I first
5 started with CRU. It was maybe six, seven weeks in
6 when he started to do that and that's when I said,
7 okay, I'm not taking a chance, I like CRU, it's a
8 nice company to work for and I'm out of here so,
9 but, yeah, he didn't start that when he first
10 started Auto; he didn't do anything. I guess he
11 got -- I can't speculate. I don't know. Maybe he
12 heard that people were working double -- I don't
13 know. I can't speculate on that.

14 Q Okay. So the first time you heard Randy
15 Bray say that if you're deployed by CRU and Auto,
16 you can't be working another deployment was six to
17 seven weeks into the commencement of your
18 deployment; is that right?

19 A With Auto, yes, correct.

20 Q With Auto which was your first deployment?

21 A Correct.

22 Q And then you resigned from Littleton
23 within a week or two after he said that?

24 A Correct.

25 Q And it sounds like you knew adjusters who

Page 248

1 CHANGES AND SIGNATURE

2 WITNESS NAME: BASIL LEO RILEY, III

3 DATE OF DEPOSITION: OCTOBER 18, 2023

4 PAGE LINE CHANGE REASON

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

Page 249

1 I, BASIL LEO RILEY, III, have read the
2 foregoing deposition and hereby affix my signature
3 that same is true and correct, except as noted
4 above.
5

BASIL LEO RILEY, III

6

7 THE STATE OF _____
8 COUNTY OF _____

9 Before me, _____, on this day
10 personally appeared BASIL LEO RILEY, III, known to
me (or proved to me under oath or through
11 _____) to be the person whose name is
subscribed to the foregoing instrument and
acknowledged to me that they executed the same for
12 the purposes and consideration therein expressed.

13

14 Given under my hand and seal of office this _____
15 day of _____, 2023.

16

17

18 NOTARY PUBLIC IN AND FOR THE
STATE OF _____

19

20

MY COMMISSION EXPIRES: _____

21

22

23

24

25

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 SHERMAN DIVISION
4
5 C.M. COLLINS, N.J. LUNDY)
6 and R.C.L. MAYS,)
7 individually and on behalf)
8 of all others similarly)
9 situated,)
10)
11)
12)
13 vs.) CIVIL ACTION NO.
14))
15 CATASTROPHE RESPONSE UNIT,)
16 INC. and CATASTROPHE)
17 RESPONSE UNIT USA, INC.,)
18)
19 Defendants.)
20
21

22 DEPOSITION OF BASIL LEO RILEY, III
23 OCTOBER 18, 2023

24
25 I, RENEA SEGGERN, Certified Shorthand
1 Reporter in and for the State of Texas, do hereby
2 certify to the following:

3 That the witness, BASIL LEO RILEY, III,
4 was by me duly sworn and that the transcript of the
5 oral deposition is a true record of the testimony
6 given by the witness.

7 I further certify that pursuant to Federal
8 Rules of Civil Procedure, Rule 30(e)(1)(A) and (B)
9 as well as Rule 30(e)(2), that review of the
10 transcript and signature of the deponent:

Page 251

1 X was requested by the deponent and/or a
2 party before completion of the deposition.

3 _____ was not requested by the deponent and/or
4 a party before the completion of the deposition.

5 I further certify that I am neither
6 attorney nor counsel for, nor related to or
7 employed by any of the parties to the action in
8 which this deposition is taken and further that I
9 am not a relative or employee of any attorney of
10 record in this cause, nor am I financially or
11 otherwise interested in the outcome of the action.

12 The amount of time used by each party at
13 the deposition is as follows:

14 Mr. Monte K. Hurst - 5 hours, 10 minutes
15 Mr. Kerry O'Brien - 1 minute

16 Subscribed and sworn to on this 29th day
17 of October, 2023.

18 _____
19 Renea Seggern, CSR #7262
20 Certification Expires 04-30-2025
21 Bradford Court Reporting, L.L.C.
22 Firm Registration #38
23 7015 Mumford Street
24 Dallas, Texas 75252
25 Telephone (972) 931-2799
 Facsimile (972) 931-1199

